

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 10, 2002

IN RE:

**PETITION OF CONTACT-CONCERN OF
NORTHEAST TENNESSEE, INC. TO
DESIGNATE 211 SERVICE FOR NON-PROFIT
HEALTH AND HUMAN SERVICES
INFORMATION AND REFERRAL LINE FOR
THE COUNTIES OF SULLIVAN, JOHNSON
AND HAWKINS, TENNESSEE**

**DOCKET NO.
02-00127**

**ORDER APPROVING ALLOCATION OF N11 NUMBER (211)
TO CONTACT-CONCERN OF NORTHEAST TENNESSEE, INC.**

This matter came before the Tennessee Regulatory Authority (the "Authority" or "TRA") at the regularly scheduled Authority Conference held on March 26, 2002 for consideration of the Petition filed by Contact-Concern of Northeast Tennessee, Inc. ("CONTACT-CONCERN") seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Sullivan, Johnson and Hawkins Counties.

Background

FCC's Third Report and Order

On July 31, 2000, the Federal Communications Commission ("FCC") released its *Third Report and Order and Order on Reconsideration* in CC Docket No. 92-105 ("*Third Report and Order*") in which the FCC granted a petition filed by information and referral

service providers seeking nationwide assignment of an abbreviated dialing code.¹ In assigning the abbreviated dialing code 211 for access to community information and referral services, the FCC found that the proposal submitted by the petitioners met the “public interest” standards for assignment of N11 codes which the FCC established in its *N11 First Report and Order*.² The FCC specifically found in the *Third Report and Order*:

Individuals facing serious threats to life, health, and mental well being have urgent and critical human needs that are not addressed by dialing 911 for emergency assistance or 311 for non-emergency police assistance. . . . We believe that the Information and Referral Petitioners have shown a public need exists for an easy to use, easy to remember N11 code to efficiently bring community information and referral services to those who need them, providing a national safety network for persons to get access readily to assistance. Therefore, we find that the public interest standard has been met.³

The FCC then outlined the necessary steps that must be taken by telecommunications service providers upon receiving a 211 request.

[W]hen a provider of telecommunications services receives a request from an entity (e.g., the United Way) to use 211 for access to community information and referral services, the telecommunications provider must: (1) ensure that any entities that were using 211 at the local level prior to the effective date of this Order relinquish use of the code for non-compliant services, and (2) take any steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the requesting entity in its service area. . . . We expect community service organizations to work cooperatively to ensure the greatest public use of this scarce resource.⁴

The *Third Report and Order* also provides that the FCC, not the North American

¹ “Abbreviated dialing codes enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, ‘N11’ codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1.” (Quoting from *In the Matter of: The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, (July 31, 2000) (Third Report and Order on Reconsideration) (hereinafter *Third Report and Order*.)

² *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd. 5572, CC Docket No. 92-105 (1997).

³ *Third Report and Order*, at Paras. 18-19.

⁴ *Id.*, at Para. 21.

Numbering Plan Administration ("NANPA") or another entity, will continue to designate and assign N11 codes for nationwide use. Nevertheless, the FCC explicitly stated that local assignments could be made by the state commissions.

Once we assign or designate an N11 for national use, essentially all that remains to do is to implement that assignment and monitor the uses of the N11 codes. We do not at this time decide what role, if any, state commissions may play once we make a national assignment. That role will necessarily be determined on a case by case basis as we make national assignments. We clarify, however, that states will be allowed to continue to make local assignments that do not conflict with our national assignments.⁵

TPSC's 1993 Interim Order

Prior to the issuance of the FCC's *Third Report and Order*, the Authority reviewed requests for the allocation of N11 numbers pursuant to criteria set forth in the Interim Order issued on October 20, 1993 by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order"), to determine the most qualified applicant for allocation of each N11 number in each local calling area.⁶ The criteria in the TPSC Order included: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and duration of the applicant's service to the local community; (6) anticipated

⁵ *Id.*, at Para. 43. The FCC described the assignment designation and implementation process as follows:

Assignment or designation involves announcement to the industry that a particular N11 code will be used for certain, defined purpose(s). This announcement alerts current users of the N11 code that nonconforming uses must cease as part of the implementation process. Implementation, on the other hand, may involve, in addition to discontinuing nonconforming uses, preparing and modifying switches to translate the N11 code and route the call accordingly, installing additional switching equipment, and installing or modifying software or other hardware. (Para. 43, n.123).

future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.⁷

CONTACT-CONCERN's Petition

CONTACT-CONCERN filed its Petition with the Authority on December 27, 2001 seeking allocation of the 211 abbreviated dialing code. The Petition and supporting documentation indicate that CONTACT-CONCERN is a duly qualified and authorized Tennessee non-profit corporation that intends to serve Sullivan, Johnson and Hawkins Counties by providing free information and referral guidance to people in need of social services and other assistance from a centralized source. CONTACT-CONCERN utilizes volunteers to answer telephone calls thereby providing a more economical service. CONTACT-CONCERN's Petition includes copies of letters from the United Way agencies representing Sullivan, Johnson and Hawkins Counties endorsing the Petitioner's request to receive the 211 phone designation.

Findings and Conclusions

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with the FCC's national assignment of the 211 abbreviated dialing code and that these criteria continue to be instructive as the Authority carries out its role of making local assignments.⁸ Accordingly, the Authority, finds that CONTACT-CONCERN satisfies the criteria in the following manner:

⁶ See TRA Docket No. 98-00554, Petition of National Telephone Enterprises for Allocation of an N11 Number (Abbreviated Dialing Code) and TRA Docket No. 99-00743, Petition of Knoxville Information and Referral, Inc. for Allocation of an N11 Number.

⁷ *In Re: Investigation of N11 Allocations*, TPSC Interim Order, Docket No. 92-13892, pp. 4-5 (Oct. 20, 1993).

1. Overall financial fitness, both historical and future: CONTACT-CONCERN states that its main sources of revenue for operation is from contributions from the general public, businesses and churches in east Tennessee. CONTACT-CONCERN provided audited financial statements for 1999 and 2000 showing that contributions and revenue totaled \$64,597.16 and \$67,150.07 for those years, respectively. Actual contributions and revenue for 2001 totaled \$77,668.00. Projected contributions for years 2002 and 2003 total \$93,712.00 and \$105,612.00, respectively.

2. Overall technical ability and willingness to provide service on a permanent and continuous basis: CONTACT-CONCERN states that it utilizes software that provides an on-line information database that contains more than 220 agencies. This database includes local, regional, and some national organizations that do not have a local chapter. The database is constantly being increased. CONTACT-CONCERN has an experienced information technology management volunteer who serves as chair to the planning team that will develop a business and marketing plan for Sullivan, Johnson and Hawkins Counties upon approval of the Petition.

3. Ability and willingness to comply with any applicable Authority rules and policies: CONTACT-CONCERN has provided a statement that it will follow the Authority's rules and policies.

4. The rates, services and collection practices to be utilized by the service provider in providing N11 service: CONTACT-CONCERN states, "There is no planned or a telephone company tariff to be charged for service in the foreseeable future."⁹

⁸ This finding is consistent with the Authority's finding in TRA Docket No. 02-00126, *Order Approving Allocation of N11 Number (211) to Contact Ministries, Inc.*, (issued May 13, 2002).

⁹ Letter from Nada J. Weekley, Executive Director of Contact-Concern of Northeast Tennessee, Inc., to David Waddell, Executive Secretary of TRA (March 5, 2002).

5. **The extent and duration of the applicant's service to the local community:** The letter of support from the United Way of Greater Kingsport states that CONTACT-CONCERN has been serving the Kingsport community for 25 years and has been a United Way funded agency since 1992. CONTACT-CONCERN states that it currently provides information and referral services in the requested areas fifteen (15) hours per day, seven days a week. An answering machine is in place for routine inquiries to be recorded daily from 11:00 p.m. to 8:00 a.m.

6. **Anticipated future uses by the community of the proposed service being offered by the Applicant:** CONTACT-CONCERN intends to provide information and referral services to Sullivan, Johnson and Hawkins Counties. CONTACT-CONCERN states that it has more than 220 agencies in its database which is constantly being increased. CONTACT-CONCERN states that it intends to make improvements to the local area network to handle an increase of 100% in information and referral calls.

7. **The type of information services to be provided over N11 and its relative value to the public and local community:** CONTACT-CONCERN maintains a comprehensive telephone help line and crisis intervention line. CONTACT-CONCERN states that at this time it answers more than one hundred (100) calls per month for Information and Referral services. These calls are predominantly for services in central and western Sullivan County and eastern Hawkins County. At the present time, CONTACT-CONCERN also provides daily reassurance calls for approximately 50 elderly community residents. CONTACT-CONCERN's Petition states that Information and Referral services are "the link between people in need of health and human services

assistance and the appropriate providers of such services, including the entire range of government and community services.”¹⁰

Although CONTACT-CONCERN states in its Petition that it has began coordination with telecommunications service providers such as United Telephone-Southeast, Inc. (“UTSE”), at the time of the filing and approval of CONTACT-CONCERN’s Petition, UTSE did not have rates, terms and conditions in its current tariff for N11 service nor did it have a contract service arrangement between the parties on file for approval by the Authority. At the March 26, 2002 Conference, the Authority found that UTSE must provide, for approval, a tariff or a contract service arrangement. UTSE was directed to file N11 rates, terms and conditions comparable to the rates, terms and conditions approved for other N11 providers in Tennessee or, in the alternative, provide detailed cost justification for the proposed rates.

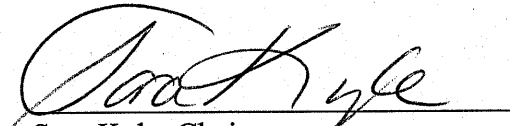
Based upon careful consideration of the Petition and the exhibits thereto, and in following the mandate set forth in the FCC’s *Third Report and Order* and the criteria set forth in the TPSC’s 1993 Interim Order, the Directors voted unanimously to approve allocation of the 211 abbreviated dialing code to CONTACT-CONCERN in Sullivan, Johnson and Hawkins Counties.

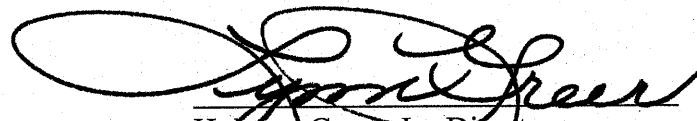
IT IS THEREFORE ORDERED THAT:

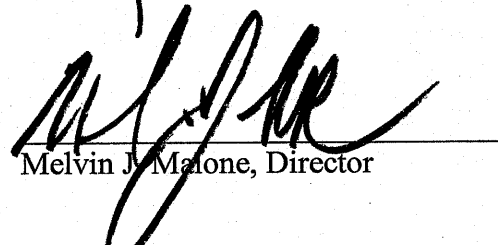
1. The Petition filed by Contact-Concern of Northeast Tennessee, Inc. seeking allocation of the 211 abbreviated dialing code to provide Information and Referral Services to Sullivan, Johnson and Hawkins Counties is approved.

¹⁰ Letter to TRA from the President, James M. Carson, of Contact-Concern of Northeast Tennessee, Inc., p. 1 (Dec. 27, 2001).


2. United Telephone-Southeast, Inc. shall file for approval the appropriate tariff or contract service arrangement specifying N11 rates, terms and conditions; such filing shall be comparable to the rates, terms and conditions approved for other N11 providers in Tennessee or provide detailed cost justification for the proposed rates.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary